

BEFORE THE WASHINGTON STATE  
EXECUTIVE ETHICS BOARD

In the Matter of:

Ross Humes

Respondent.

No. 2023-050

STIPULATED FACTS,  
CONCLUSIONS OF LAW AND  
AGREED ORDER

THIS STIPULATION is entered into by Respondent, Ross Humes and Board Staff of the WASHINGTON STATE EXECUTIVE ETHICS BOARD (Board) through KATE REYNOLDS, Executive Director, pursuant to chapter 42.52 RCW, chapter 34.05 RCW, and WAC 292-100-090(1). The following stipulated facts, conclusions of law, and agreed order will be binding upon the parties if fully executed, and if accepted by the Board without modification(s), and will not be binding if rejected by the Board, or if the Respondent does not accept the Board's proposed modification(s), if any, to the stipulation. This stipulation is based on the following:

**A. STIPULATED FACTS**

1. On May 25, 2023, the Executive Ethics Board (Board) received a complaint alleging that Ross Humes, an employee of the Department of Licensing (DOL), may have violated the Ethics in Public Service Act. The complaint alleged that Ross Humes violated RCW Chapter 42.52 by using state resources for non-work related activities.

2. According to the complaint, Ross Humes allegedly used their DOL email account to conduct business related to a homeowners association (HOA) that they are a board member of (Elloway Oaks Homeowners Association). It was further alleged that Ross Humes conducted HOA business during their DOL work hours.

3. According to DOL, Ross Humes was hired on August 1, 2017 as a non-permanent Customer Service Specialist 2. On November 1, 2019, Ross Humes was transferred to a position in the Training & Program Support Unit. On December 16, 2019, Ross Humes was promoted to a Customer Service Specialist 4. On March 16, 2020, Ross Humes was promoted to a Management Analyst 3. On March 16, 2023, Ross Humes was promoted to a Management Analyst 4 with the Director's Office. Ross Humes works dayshift Monday-Friday.

4. As part of this complaint, the complainant additionally provided the following copy of an email which Ross Humes had allegedly sent, during work time, from their DOL email account:

***From: Ross Humes (RHumes@DOL.WA.GOV)***  
***Sent: Tuesday, May 23, 2023 10:54AM***  
***Subject: RE: Elloway oaks HOA***

*"If you could send me any emails related to this, I would of course look at it. I keep record of all notes/documents and again, I am not seeing anything about your property being exempt from the dues.*

*We however do not accept verbal agreements, as any agreements would have been made in writing and signed by all parties.*

*As of today, you owe \$2,000 to the HOA due to non-payment from the financial records."*

**Ross Humes**  
**Management Analyst**  
**Research & Analysis Office**  
**Washington State Department of Licensing**  
**Rhumes@dol.wa.gov**

5. In a follow-up email to Board staff from the complainant, dated June 4, 2023, they stated, "[a]fter he requested the \$2,000 for the homeowners association from his Washington state employee email I did pay it to the Elloway Homeowner Association. With it coming from a state email, I was concerned not paying it as he requested could cause other consequences from the state."

6. As part of this investigation, Board staff obtained both a forensic copy of Ross Humes DOL computer and the last twelve months of their DOL emails.

7. Utilizing Magnet Forensics, Board staff reviewed the contents of Ross Humes DOL computer. Board staff flagged 3 saved documents related to Ross Humes HOA duties:

- Annexation of HOA.pdf
- Elloway dissolution.pdf
- Elloway Oaks Annual Report.pdf

8. Board staff additionally flagged 6 items which were saved on the computer Cloud Drive (OneDrive) storage:

- Elloway dissolution.pdf
- Elloway Oaks Annual Report.pdf
- Elloway Oaks Email Address and Password.docx
- Elloway Oaks HOA Contact list.xlsx
- Elloway Oaks.docx
- Annexation\_of\_HOA.docx

9. In review of Ross Humes DOL emails, Board staff located and flagged the email provided along with this complaint, and additionally flagged 32 emails which were related to Ross Humes HOA duties, between the dates of February 22, 2023 and June 3, 2023, including:

***From: Ross Humes (DOL)***  
***Sent: Wednesday, February 22, 2023***  
***Subject: HOA: Welcome!***

Morning,

We see that you are breaking ground finally on the empty lot! We are all excited to have new neighbors and look forward to meeting you. A couple of things that have come up that I wanted to get in writing here:

Quiet hours go until 8AM. A couple neighbors reached out and said that you have someone here on a tractor and with a chainsaw at around 7AM.

Please refrain from parking on the side of the street as emergency vehicles need to be able to get by and we have a narrower road than most streets here. You are free to park at the top of the road, just not parked on the side, like they have been.

If you have any questions about this, please feel free to reach out to me or stop on by. I am at 108.

Thank you for your time and understanding,

Ross Humes

HOA President

***From: Ross Humes (DOL)***  
***Sent: Tuesday, May 23, 2023***  
***Subject: FW: Elloway oaks HOA***

Exactly. And then we get into a grey area about landscaping and getting money off to do that. Because that means anyone could do that and we would have to take off money. But how much money and all that garbage. Also, why would it stop at landscaping? Could be anything to take money off. It's a bad agreement without going over all the scenarios.

I wouldn't mind meeting with her, but I agree with you. It wouldn't change much because we weren't involved in the verbal agreement. If she does provide documentation, we can all meet and discuss from there though.

Ross Humes

Management Analyst

Research & Analysis Office

Washington State Department of Licensing

Rhumes@dol.wa.gov

***From: Ross Humes (DOL)***  
***Sent: Friday, June 2, 2023***  
***Subject: FW: Elloway oaks HOA***

Good morning,

I apologize for the delay.

Here is a copy of the bylaws that are active and what the association is currently going by as well as the minutes from 10/15/2015, showing the board was in error of updating the bylaws.



We have a binder that shows all financial records that you are more than welcome to look at.

Again, when it comes to verbal agreements that are not written down, signed, discussed, or voted on, I cannot accept them. We can though discuss having a professional landscaping team come out and keep that area nice at the next meeting. Since I have been President, I have not seen a member of your household attend a meeting, so its difficult to have those discussions when the board and the rest of the neighborhood when it comes to matters of editing our bylaws or voting. I hope to see you at the next one, so we can have a productive discussion.

Thank you for your time,

**Ross Humes**

*From: Ross Humes (DOL)*  
*Sent: Friday, June 2, 2023*  
*Subject: FW: Elloway oaks HOA*

I think that is something we can do? Just buy some matte spray paint at home depot and go nuts on it?

Ross Humes

Management Analyst

Research & Analysis Office

Washington State Department of Licensing

Rhumes@dol.wa.gov

10. In Ross Humes written response to Board staff, they stated, “While I did converse with a community member it was in no way of any personal gain or benefit to me.” Ross Humes additionally stated, “While I understand now I should not have conducted HOA business with my state email, I have created a Gmail account for our HOA for any communication to be conducted there.”

## B. CONCLUSIONS OF LAW

1. The Ethics in Public Service Act, Chapter 42.52 RCW, prohibits state employees from Use of persons, money or property for private gain. RCW 42.52.160 states:

No state officer or state employee may employ or use any person, money, or property under the officers or employees official control or direction, or in his or her official custody, for the private benefit or gain of the officer, employee or another.

WAC 292-110-010 Use of state resources, states, in part:

.....

**(3) Permitted personal use of state resources.** This subsection applies to any use of state resources not included in subsection (2) of this section.

(a) A state officer or employee's use of state resources is de minimis only if each of the following conditions are met:

- (i) There is little or no cost to the state;
- (ii) Any use is brief;
- (iii) Any use occurs infrequently;
- (iv) The use does not interfere with the performance of any state officer's or employee's official duties;
- (v) The use does not compromise the security or integrity of state property, information systems, or software;
- (vi) The use is not for the purpose of conducting an outside business, in furtherance of private employment, or to realize a private financial gain; and
- (vii) The use is not for supporting, promoting the interests of, or soliciting for an outside organization or group.

2. The Board is authorized to impose sanctions for violations to the Ethics Act pursuant to RCW 42.52.360. The Board has set forth criteria in WAC 292-120-030 for imposing sanctions and consideration of any mitigating or aggravating factors.

## C. AGGRAVATING AND MITIGATING FACTORS

In determining the appropriateness of the civil penalty, the Board reviewed the criteria in WAC 292-120-030. In the matter at hand, it is an aggravating factor these types of violations

significantly reduce the public respect and confidence in state government employees. In the matter at hand, there are no mitigating factors.

#### **D. STIPULATION AND AGREED ORDER**

1. Pursuant to chapter 42.52 RCW, the Executive Ethics Board has jurisdiction over Ross Humes and over the subject matter of this complaint.

2. Under RCW 34.05.060, the Board can establish procedures for attempting and executing informal settlement of matters in lieu of more formal proceedings under the Administrative Procedures Act, including adjudicative hearings. The Board has established such procedures under WAC 292-100-090.

3. Pursuant to WAC 292-100-090(1), the parties have the authority to resolve this matter under the terms contained herein, subject to Board approval.

4. Ross Humes agrees that if any or all of the alleged violations were proven at a hearing, the Board may impose sanctions, including a civil penalty under RCW 42.52.480(1)(b) of up to \$5,000, or the greater of three times the economic value of anything received or sought in violation of chapter 42.52 RCW, for each violation found. The Board may also order the payment of costs, including reasonable investigative costs, under RCW 42.52.480(1)(c).

5. Ross Humes further agrees that the evidence available to the Board is such that the Board may conclude they violated the Ethics in Public Service Act. Therefore, in the interest of seeking an informal and expeditious resolution of this matter, the parties agree to entry of the stipulated findings of fact, conclusions of law and agreed order.

6. Ross Humes waives the opportunity for a hearing, contingent upon acceptance of this stipulation by the Board, or their acceptance of any modification(s) proposed by the Board, pursuant to the provisions of WAC 292-100-090(2).

7. If the Board accepts this stipulation, the Board agrees to release and discharge from all further ethics proceedings under chapter 42.52 RCW for any allegations arising out of the facts in this matter, subject to payment of the full amount of the civil penalty due and owing, any other costs imposed, and compliance with all other terms and conditions of the stipulation. Ross Humes in turn agrees to release and discharge the Board, its officers, agents and employees from all claims, damages, and causes of action arising out of this complaint and this stipulation.

8. If the Board accepts this stipulation, it does not purport to settle any other claims between Ross Humes and the Washington State Executive Ethics Board, the State of Washington, or other third party, which may be filed in the future. No other claims of alleged violations are pending against Ross Humes at this time.

9. If the Board accepts this stipulation, it is enforceable under RCW 34.05.578 and any other applicable statutes or rules.

10. If the Board rejects this stipulation, or if Ross Humes does not accept the Board's proposed modification(s), if any, this matter will be scheduled for an administrative hearing before the Board. If an administrative hearing is scheduled before the Board, Ross Humes waives any objection to participation by any Board member at the hearing to whom this stipulation was presented for approval under WAC 292-100-090(2). Further, Ross Humes understands and agrees that this stipulation as well as information obtained during any settlement discussions between the parties shall not be admitted into evidence during the administrative hearing, unless otherwise agreed by the parties.

11. Ross Humes agrees to pay a civil penalty in the amount of two thousand five hundred dollars (\$2,500) associated with violations of RCW 42.52. The Board agrees to suspend one thousand dollars (\$1,000) on the condition that Ross Humes complies with all terms and conditions



of this Stipulation and Order and commits no further violations of RCW 42.52 for a period of two years from the date this agreement is executed.

12. The civil penalty in the amount of one thousand five hundred (\$1,500) is payable in full to the Washington State Executive Ethics Board within forty-five (45) days after this stipulation is signed and accepted by the Board, or as otherwise agreed to by the parties.

### I. CERTIFICATION

I, Ross Humes, hereby certify that I have read this stipulation in its entirety, that my counsel of record, if any, has fully explained the legal significance and consequence of it. I further certify that I fully understand and agree to all of it, and that it may be presented to the Board without my appearance. I knowingly and voluntarily waive my right to a hearing in this matter and if the Board accepts the stipulation, I understand that I will receive a signed copy.

Ross Humes 07/10/2024  
Ross Humes Date  
Respondent

Presented by:

K. Reynolds 7/12/2024  
KATE REYNOLDS Date  
Executive Director

**II. ORDER**

Having reviewed the proposed stipulation, WE, THE STATE OF WASHINGTON EXECUTIVE ETHICS BOARD, pursuant to WAC 292-100-090, HEREBY ORDER that the Stipulation is

✓

ACCEPTED in its entirety;

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REJECTED in its entirety;


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MODIFIED. This stipulation will become the order of the Board if the

Respondent approves\* the following modification(s):

\_\_\_\_\_  
\_\_\_\_\_

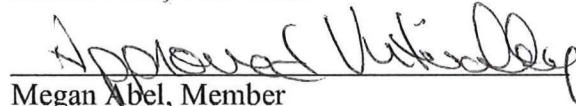
DATED this 12<sup>th</sup> day of July 2024.



Jan Jutte, Chair



Kelli Hooke, Vice Chair



Megan Abel, Member



Cam Comfort, Member



David Hankins, Member

\* I, Ross Humes, accept/do not accept (circle one) the proposed modification(s).

\_\_\_\_\_  
Ross Humes, Respondent

\_\_\_\_\_  
Date